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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,646		Francesca Chiodi	0380-P02373U	3240

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EXAMINER
HARRIS, ALANA M

ART UNIT	PAPER NUMBER
1642	

DATE MAILED: 04/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/719,646	CHIODI, FRANCESCA	
	Examiner	Art Unit	
	Alana M. Harris, Ph.D.	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 41-52 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 41-52 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *See Continuation Sheet* .

Continuation of Attachment(s) 6). Other: Restriction Election Facsimile Transmission.

Election/Restrictions

1. The amendment submitted February 28, 2001 sets forth the cancellation of claims 1-40 and adds 40-52. Claims following claim 49 were misnumbered. These misnumbered claims have been properly numbered as claims 50-52 in light of 37 CFR 1.126 to reflect proper claim numbers.

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 41-43, drawn to a method comprising administering to a human a peptide of 10-20 amino acids in length which is a fragment of human Fas, which fragment comprises SEQ ID NO: 1.

Group II, claim(s) 41-43, drawn to a method comprising administering to a human a peptide of 10-20 amino acids in length which is a fragment of human Fas, which fragment comprises SEQ ID NO: 2.

Group III, claim(s) 41-43, drawn to a method comprising administering to a human a peptide of 10-20 amino acids in length which is a fragment of human Fas, which fragment comprises SEQ ID NO: 3.

Group IV, claim(s) 41-43, drawn to a method comprising administering to a human a peptide of 10-20 amino acids in length which is a fragment of human Fas, which fragment comprises SEQ ID NO: 4.

Group V, claim(s) 41-43, drawn to a method comprising administering to a human a peptide of 10-20 amino acids in length which is a fragment of human Fas, which fragment comprises SEQ ID NO: 5.

Group VI, claim(s) 41-43, drawn to a method comprising administering to a human a peptide of 10-20 amino acids in length which is a fragment of human Fas, which fragment comprises SEQ ID NO: 6.

Group VII, claim(s) 41-43, drawn to a method comprising administering to a human a peptide of 10-20 amino acids in length which is a fragment of human Fas, which fragment comprises SEQ ID NO: 7.

Group VIII, claim(s) 41-43, drawn to a method comprising administering to a human a peptide of 10-20 amino acids in length which is a fragment of human Fas, which fragment comprises SEQ ID NO: 9.

Group IX, claim(s) 44-48, drawn to a peptide fragment of human Fas consisting of SEQ ID NO: 2 and the composition comprising peptide, SEQ ID NO: 2.

Group X, claim(s) 44-48, drawn to a peptide fragment of human Fas consisting of SEQ ID NO: 6 and the composition comprising peptide, SEQ ID NO: 6.

Group XI, claim(s) 44-48, drawn to a peptide fragment of human Fas consisting of SEQ ID NO: 7 and the composition comprising peptide, SEQ ID NO: 7.

Group XII, claim(s) 44-48, drawn to a peptide fragment of human Fas consisting of SEQ ID NO: 9 and the composition comprising peptide, SEQ ID NO: 9.

Group XIII, claim(s) 49-52, drawn to a method of obtaining one or more human antibody molecules comprising contacting a population of human antibody molecules and a peptide fragment of human Fas identified as SEQ ID NO: 1.

Group XIV, claim(s) 49-52, drawn to a method of obtaining one or more human antibody molecules comprising contacting a population of human antibody molecules and a peptide fragment of human Fas identified as SEQ ID NO: 2.

Group XV, claim(s) 49-52, drawn to a method of obtaining one or more human antibody molecules comprising contacting a population of human antibody molecules and a peptide fragment of human Fas identified as SEQ ID NO: 3.

Group XVI, claim(s) 49-52, drawn to a method of obtaining one or more human antibody molecules comprising contacting a population of human antibody molecules and a peptide fragment of human Fas identified as SEQ ID NO: 4.

Group XVII, claim(s) 49-52, drawn to a method of obtaining one or more human antibody molecules comprising contacting a population of human antibody molecules and a peptide fragment of human Fas identified as SEQ ID NO: 5.

Group XVIII, claim(s) 49-52, drawn to a method of obtaining one or more human antibody molecules comprising contacting a population of human antibody molecules and a peptide fragment of human Fas identified as SEQ ID NO: 6.

Group XIX, claim(s) 49-52, drawn to a method of obtaining one or more human antibody molecules comprising contacting a population of human antibody molecules and a peptide fragment of human Fas identified as SEQ ID NO: 7.

Group XX, claim(s) 49-52, drawn to a method of obtaining one or more human antibody molecules comprising contacting a population of human antibody molecules and a peptide fragment of human Fas identified as SEQ ID NO: 9.

3. The inventions listed as Groups I-XX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the peptides identified as SEQ ID NO: 1-7 and 9 do not share a common core structure, are materially different compositions and capable of eliciting different and distinct antibodies.

4. A telephone call was made to Patrick J. Hagan on March 31, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alana M. Harris, Ph.D. whose telephone number is

(703) 306-5880. The examiner can normally be reached on 6:30 am to 4:00 pm, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, Ph.D. can be reached on (703) 308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4315 for regular communications and (703) 308-4315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0196.

ALANA HARRIS
PATENT EXAMINER

Alana M. Harris, Ph.D.
March 31, 2003